



# House of Representatives

General Assembly

**File No. 151**

February Session, 2012

Substitute House Bill No. 5382

*House of Representatives, March 28, 2012*

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING PROFESSIONAL BONDSMEN, SURETY BAIL BOND AGENTS AND BAIL ENFORCEMENT AGENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-145 of the 2012 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2012*):

4 Any person desiring to engage in the business of a professional  
5 bondsman shall apply to the Commissioner of Emergency Services and  
6 Public Protection for a license. Such application shall set forth under  
7 oath the full name, age, residence, telephone number and occupation  
8 of the applicant, whether the applicant intends to engage in the  
9 business of a professional bondsman individually or in partnership or  
10 association with another or others, and, if so, the identity of each. It  
11 shall also set forth under oath a statement of the assets and liabilities of  
12 the applicant, and whether the applicant has been charged with or  
13 convicted of a crime, and such other information, including

14 fingerprints and photographs, as said commissioner from time to time  
15 may require. The commissioner shall require the applicant to submit  
16 proof that he or she is at least twenty-one years of age and has received  
17 a high school diploma or an equivalent academic education. The  
18 commissioner shall require the applicant to submit to state and  
19 national criminal history records checks. The criminal history records  
20 checks required pursuant to this section shall be conducted in  
21 accordance with section 29-17a. No person who has been convicted of  
22 a felony shall be licensed to do business as a professional bondsman in  
23 this state. No person engaged in law enforcement or vested with police  
24 powers shall be licensed to do business as a professional bondsman.  
25 No person who has not attained twenty-one years of age or has not  
26 received a high school diploma or an equivalent academic education  
27 shall be licensed to do business as a professional bondsman.

28 Sec. 2. Section 29-147 of the general statutes is repealed and the  
29 following is substituted in lieu thereof (*Effective October 1, 2012*):

30 Each professional bondsman licensed under the provisions of this  
31 chapter may apply for a renewal of his license upon renewal  
32 application forms provided by the Commissioner of Emergency  
33 Services and Public Protection and requiring the disclosure of such  
34 information as said commissioner requires in determining whether or  
35 not such professional bondsman's financial responsibility remains  
36 unimpaired or whether for any other reason such bondsman's fitness  
37 to continue in such business has been otherwise altered since the  
38 issuance of any prior license. Said commissioner may suspend for a  
39 definite term or revoke any license issued under the provisions of this  
40 chapter if it appears to said commissioner that (1) such licensee has  
41 been convicted of a felony in this state or elsewhere, [or] (2) such  
42 licensee is engaged in any unlawful activity affecting his fitness to  
43 continue in the business of professional bondsman, [or that his] (3) the  
44 financial responsibility of such licensee has been substantially  
45 impaired, or (4) such licensee is subject to a restraining or protective  
46 order issued by a court in a case involving the use, attempted use or  
47 threatened use of physical force against another person.

48 Sec. 3. Section 29-152f of the general statutes is repealed and the  
49 following is substituted in lieu thereof (*Effective October 1, 2012*):

50 Any person desiring to engage in the business of a bail enforcement  
51 agent shall apply to the Commissioner of Emergency Services and  
52 Public Protection for a license therefor. Such application shall set forth  
53 under oath the full name, age, date and place of birth, residence and  
54 occupation of the applicant. It shall also set forth under oath a  
55 statement of whether the applicant has been charged with or convicted  
56 of a crime, and such other information, including fingerprints and  
57 photographs, as required by the commissioner. The commissioner  
58 shall require the applicant to submit proof that he or she is at least  
59 twenty-one years of age and has received a high school diploma or an  
60 equivalent academic education. The commissioner shall require the  
61 applicant to submit to state and national criminal history records  
62 checks. The criminal history records checks required pursuant to this  
63 section shall be conducted in accordance with section 29-17a. Within  
64 five years prior to the date of application, the applicant shall have  
65 successfully completed a course in the criminal justice system  
66 consisting of not less than twenty hours of study approved by the  
67 commissioner. No person who has been convicted of a felony or any  
68 misdemeanor under section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62,  
69 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-178 or 53a-181d shall be  
70 licensed to do business as a bail enforcement agent in this state. No  
71 person engaged in law enforcement or vested with police powers shall  
72 be licensed to do business as a bail enforcement agent. No person who  
73 has not attained twenty-one years of age or has not received a high  
74 school diploma or an equivalent academic education shall be licensed  
75 to do business as a bail enforcement agent.

76 Sec. 4. Section 29-152i of the general statutes is repealed and the  
77 following is substituted in lieu thereof (*Effective October 1, 2012*):

78 The Commissioner of Emergency Services and Public Protection  
79 may suspend, revoke or refuse to renew the license of any bail  
80 enforcement agent, provided notice shall have been given to the

81 licensee to appear before the commissioner to show cause why the  
82 license should not be suspended, revoked or refused renewal, upon a  
83 finding by the commissioner that: (1) The licensee has violated any of  
84 the terms or provisions of sections 29-152e to 29-152m, inclusive, as  
85 amended by this act, or section 38a-660a or any of the regulations  
86 adopted under section 29-152o; (2) the licensee has practiced fraud,  
87 deceit or misrepresentation; (3) the licensee has made a material  
88 misstatement in the application for issuance or renewal of such license;  
89 (4) the licensee has demonstrated incompetence or untrustworthiness  
90 in the conduct of the licensee's business; (5) the licensee is subject to a  
91 restraining or protective order issued by a court in a case involving the  
92 use, attempted use or threatened use of physical force against another  
93 person; (6) the licensee has been convicted of a felony, a misdemeanor  
94 specified in section 29-152f, as amended by this act, or other crime  
95 affecting the licensee's honesty, integrity or moral fitness; or [(6)] (7)  
96 the licensee is unsuitable. The suspension or revocation of, or the  
97 refusal to renew, any bail enforcement agent's license shall also  
98 constitute the revocation of the bail enforcement agent's firearms  
99 permit issued pursuant to section 29-152m, as amended by this act.  
100 Any bail enforcement agent who fails to surrender such license within  
101 five days of notification in writing of the suspension or revocation of,  
102 or refusal to renew, such license shall be guilty of a class C  
103 misdemeanor. Any party aggrieved by an order of the commissioner  
104 under this section may appeal therefrom in accordance with the  
105 provisions of section 4-183, except venue for such appeal shall be in the  
106 judicial district of Hartford.

107 Sec. 5. Section 29-152l of the general statutes is repealed and the  
108 following is substituted in lieu thereof (*Effective October 1, 2012*):

109 (a) No professional bondsman licensed under chapter 533, surety  
110 bail bond agent licensed under chapter 700f or bail enforcement agent  
111 licensed under sections 29-152f to 29-152i, inclusive, as amended by  
112 this act, shall wear, carry or display any uniform, badge, shield or  
113 other insignia or emblems that purport to indicate that such bondsman  
114 or agent is an employee, officer or agent of the state or any political

115 subdivision of the state or of the federal government.

116 (b) No bail enforcement agent licensed under sections 29-152f to 29-  
117 152i, inclusive, as amended by this act, shall wear, carry or display a  
118 badge that indicates that he or she is a bail enforcement agent or  
119 performs the duties of a bail enforcement agent unless the  
120 Commissioner of Emergency Services and Public Protection has  
121 approved such badge. If the commissioner suspends or revokes, or  
122 refuses to renew, the license of a bail enforcement agent, such agent  
123 shall surrender any badge approved by the commissioner pursuant to  
124 this subsection when such agent surrenders such license pursuant to  
125 section 29-152i, as amended by this act. Any violation of this  
126 subsection shall be an infraction.

127 Sec. 6. Section 29-152m of the general statutes is repealed and the  
128 following is substituted in lieu thereof (*Effective October 1, 2012*):

129 (a) No professional bondsman licensed under chapter 533, surety  
130 bail bond agent licensed under chapter 700f or bail enforcement agent  
131 licensed under sections 29-152f to 29-152i, inclusive, as amended by  
132 this act, shall carry a pistol, revolver or other firearm while engaging in  
133 the business of a professional bondsman, surety bail bond agent or bail  
134 enforcement agent, as the case may be, or while traveling to or from  
135 such business unless such bondsman or agent obtains a special permit  
136 from the Commissioner of Emergency Services and Public Protection  
137 in accordance with the provisions of subsection (b) of this section. The  
138 permit required under this section shall be in addition to the permit  
139 requirement imposed under section 29-28 and shall not be issued until  
140 the applicant has been issued a permit under section 29-28.

141 (b) The Commissioner of Emergency Services and Public Protection  
142 may grant to any professional bondsman licensed under chapter 533,  
143 surety bail bond agent licensed under chapter 700f or bail enforcement  
144 agent licensed under sections 29-152f to 29-152i, inclusive, as amended  
145 by this act, a permit to carry a pistol or revolver or other firearm while  
146 engaging in the business of professional bondsman, surety bail bond  
147 agent or bail enforcement agent, as the case may be, or while traveling

148 to or from such business, provided that such bondsman or agent has  
149 proven to the satisfaction of the commissioner that such bondsman or  
150 agent has successfully completed a course, approved by the  
151 commissioner, of training in the safety and use of firearms. [The  
152 commissioner shall adopt regulations in accordance with the  
153 provisions of chapter 54 concerning the approval of schools,  
154 institutions or organizations offering such courses, requirements for  
155 instructors and the required number of hours and content of such  
156 courses.]

157 (c) [Application] An application for a permit [issued] pursuant to  
158 this section shall be made on forms provided by the commissioner and  
159 shall be accompanied by a [sixty-two-dollar] fee of sixty-two dollars.  
160 Such permit shall have an expiration date that coincides with that of  
161 the state permit to carry a pistol or revolver issued pursuant to section  
162 29-28.

163 (d) A permit issued pursuant to this section shall be renewable  
164 every five years with a renewal fee of sixty-two dollars. Each holder of  
165 a permit issued pursuant to this section shall successfully complete an  
166 annual firearms safety refresher course approved by the commissioner  
167 as a condition of such renewal. The commissioner shall send, by first  
168 class mail, a notice of expiration of the bail enforcement agent firearms  
169 permit issued pursuant to this section, together with a notice of  
170 expiration of the permit to carry a pistol or revolver issued pursuant to  
171 section 29-28, in one combined form. The commissioner shall send  
172 such combined notice to the holder of the permits not later than ninety  
173 days before the date of the expiration of both permits, and shall  
174 enclose a form for renewal of the permits. A bail enforcement agent  
175 firearms permit issued pursuant to this section shall be valid for a  
176 period of ninety days after the expiration date, except this provision  
177 shall not apply if the permit to carry a pistol or revolver has been  
178 revoked or revocation is pending pursuant to section 29-32, in which  
179 case the bail enforcement agent firearms permit shall also be revoked.

180 (e) The commissioner shall adopt regulations in accordance with the

181 provisions of chapter 54 concerning the approval of schools,  
182 institutions or organizations offering firearms safety courses, the  
183 requirements for instructors and the required number of hours and  
184 content of such courses.

185       Sec. 7. (NEW) (*Effective October 1, 2012*) (a) On and after October 1,  
186 2012, no person may be an instructor for a course in the criminal justice  
187 system for purposes of section 29-152f of the general statutes, as  
188 amended by this act, or a course in the safety and use of firearms for  
189 purposes of subsection (b) of section 29-152m of the general statutes, as  
190 amended by this act, without the approval of the Commissioner of  
191 Emergency Services and Public Protection.

192       (b) (1) An application for approval as an instructor shall be  
193 submitted on a form prescribed by the commissioner. Such application  
194 shall be made under oath and contain the following: (A) The  
195 applicant's name, address and date and place of birth; (B) the  
196 applicant's employment for the five years prior to the date of  
197 application; (C) the applicant's education or training in the subject  
198 matter of the course required under section 29-152f of the general  
199 statutes, as amended by this act, or subsection (b) of section 29-152m of  
200 the general statutes, as amended by this act, as applicable; (D) any  
201 convictions for violations of the law; and (E) such other information as  
202 the commissioner may require by regulation adopted pursuant to this  
203 section for purposes of investigating the character, competency and  
204 integrity of the applicant.

205       (2) No person shall be approved as an instructor who (A) has been  
206 convicted of a felony or any misdemeanor pursuant to section 21a-279,  
207 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-  
208 176, 53a-178 or 53a-181d of the general statutes, (B) has been denied a  
209 license as a professional bondsman, surety bail bond agent or bail  
210 enforcement agent, or (C) has had such license suspended or revoked.

211       (3) If a course conducted by an instructor under section 29-152f of  
212 the general statutes, as amended by this act, or subsection (b) of section  
213 29-152m of the general statutes, as amended by this act, is approved by

214 the commissioner on or before October 1, 2012, the instructor of such  
215 course shall, notwithstanding subsection (a) of this section, have until  
216 April 1, 2013, to apply for approval as an instructor in accordance with  
217 this subsection.

218 (c) Upon being satisfied, after investigation, that the applicant  
219 satisfies the requirements of subsection (b) of this section and is a  
220 suitable person to be approved as an instructor, the commissioner may  
221 issue an approval to such applicant to do business in this state as an  
222 approved instructor. The fee for such approval shall be fifty dollars.  
223 The term of such approval shall not exceed two years from the date of  
224 the initial approval. Any person approved as an instructor under this  
225 section shall notify the commissioner of any change in such person's  
226 address not later than two business days after such change. The  
227 notification shall include the person's old address and new address.

228 (d) Each person approved as an instructor under this section may  
229 apply for renewal of such approval on a form prescribed by the  
230 commissioner that provides for the disclosure of such information as  
231 the commissioner may require to determine whether such person's  
232 suitability to continue as an instructor has changed since the issuance  
233 of the prior approval. The fee for such renewal shall be fifty dollars.

234 (e) The commissioner may adopt regulations, in accordance with the  
235 provisions of chapter 54 of the general statutes, to implement the  
236 provisions of this section.

237 (f) Any person who violates any provision of subsection (a) of this  
238 section shall be fined seventy-five dollars for each offense. Each  
239 distinct violation of subsection (a) of this section shall be a separate  
240 offense and, in the case of a continuing violation, each day thereof shall  
241 be deemed a separate offense.

242 Sec. 8. (NEW) (*Effective October 1, 2012*) The Commissioner of  
243 Emergency Services and Public Protection may suspend, revoke or  
244 refuse to renew the approval of any instructor issued pursuant to  
245 section 7 of this act, provided the commissioner has given notice to the

246 instructor to appear before the commissioner to show cause why the  
 247 approval should not be suspended, revoked or refused renewal, upon  
 248 a finding by the commissioner that the instructor: (1) Has violated any  
 249 of the terms or provisions of section 7 of this act; (2) has practiced  
 250 fraud, deceit or misrepresentation; (3) has made a material  
 251 misstatement in the application for issuance or renewal of such  
 252 approval; (4) has demonstrated incompetence or untrustworthiness in  
 253 the conduct of the instructor's courses; (5) has been convicted of a  
 254 felony, a misdemeanor specified in subdivision (2) of subsection (b) of  
 255 section 7 of this act or any crime affecting the instructor's honesty,  
 256 integrity or moral fitness; or (6) is otherwise unsuitable. Any party  
 257 aggrieved by an order of the commissioner under this section may  
 258 appeal therefrom in accordance with the provisions of section 4-183 of  
 259 the general statutes, except venue for such appeal shall be in the  
 260 judicial district of Hartford.

261 Sec. 9. Section 29-152n of the general statutes is repealed and the  
 262 following is substituted in lieu thereof (*Effective October 1, 2012*):

263 Any person who violates any provision of sections 29-152e to  
 264 29-152m, inclusive, as amended by this act, for which no other penalty  
 265 is provided, shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	29-145
Sec. 2	<i>October 1, 2012</i>	29-147
Sec. 3	<i>October 1, 2012</i>	29-152f
Sec. 4	<i>October 1, 2012</i>	29-152i
Sec. 5	<i>October 1, 2012</i>	29-152l
Sec. 6	<i>October 1, 2012</i>	29-152m
Sec. 7	<i>October 1, 2012</i>	New section
Sec. 8	<i>October 1, 2012</i>	New section
Sec. 9	<i>October 1, 2012</i>	29-152n

**PS**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Department of Emergency Services and Public Protection	GF - Revenue Gain	Less than \$25,000	Less than \$1,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill is anticipated to result in a revenue gain of less than \$25,000 in FY 13 as a result of establishing a new application fee of \$50 for firearm instructors who teach in the criminal justice system. Since a new license is valid for two years, the revenue gain in FY 14 is anticipated to be less than \$1,000.

There is no fiscal impact associated with the other provisions of the bill.

**The Out Years**

In FY 15 firearm instructors would be required to re-apply. A revenue gain of up to \$25,000 is anticipated for FY 15 based on a \$50 fee for renewal. The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR BILL ANALYSIS**

**sHB 5382**

***AN ACT CONCERNING PROFESSIONAL BONDSMEN, SURETY BAIL BOND AGENTS AND BAIL ENFORCEMENT AGENTS.***

**SUMMARY:**

This bill makes changes in the laws pertaining to professional bondsmen and bail enforcement agents. It:

1. requires professional bondsman and bail enforcement agents to be at least age 21 and have a high school diploma or equivalent education;
2. allows the Department of Emergency Services and Public Protection (DESPP) commissioner to suspend or revoke the license of an agent or bondsman who is the subject of a restraining or protective order for using or attempting to use force against someone;
3. requires (a) DESPP to approve bail enforcement agent badges and (b) all agent to surrender the badge if his or her license is revoked or suspended; and
4. requires annual firearms refresher training for professional bondsmen, bail bond agents, and bail enforcement agents who are issued a DESPP special firearms permit to carry firearms on the job.

The bill also requires DESPP to approve anyone who teaches a criminal justice course for bail enforcement agents or firearms safety course for professional bondsmen, bail enforcement agents, or surety bail bond agents. It costs \$50 to get or renew the approval, which is valid for two years. Teaching without the approval is a violation subject to a \$75 fine.

Finally, the bill makes technical changes.

EFFECTIVE DATE: October 1, 2012

### **AGE AND EDUCATION LICENSURE STANDARDS**

By law, professional bondsmen and bail enforcement agents must be licensed by DESPP. The bill establishes age and education requirements for licensure. It requires applicants (1) to be at least age 21 and have a high school diploma or equivalent education and (2) submit proof of these qualifications when they apply for a license.

### **LICENSE REVOCATION AND REVOCATION**

The bill expands the grounds on which the commissioner may suspend a license. It allows him to revoke or suspend the license of a professional bondsman or bail enforcement agent if the licensee is subject to a restraining or protective order for using or attempting to or threatening to use physical force against someone.

Under current law, he may revoke or suspend the license of a professional bondsman (1) convicted of a felony, (2) who engaged in any unlawful activity affecting his or her fitness to stay in business, or (3) whose financial responsibility has been substantially impaired.

Under current law, he may revoke or suspend, or refuse to issue, a license of a bail enforcement agent who:

1. violated pertinent laws or regulations;
2. practiced fraud, deceit, or misrepresentation;
3. made a material misstatement in a license or renewal application;
4. demonstrated incompetence or untrustworthiness in conducting business;
5. was convicted of a felony, specified misdemeanors, or other crime affecting his or her honesty, integrity, or moral fitness; or

6. is unsuitable.

### **BADGE DISPLAY**

The bill prohibits an individual from wearing, carrying, or displaying a badge purporting that he or she is a bail enforcement agent without DESPP approval. If the commissioner suspends, revokes, or refuses to renew the individual's license, the agent must surrender the badge when surrendering the license. Failure to do so is an infraction.

### **FIREARM PROVISION**

By law, professional bondsmen, bail bond agents, and bail enforcement agents must obtain a special DESPP permit if they wish to carry firearms on the job. This is in addition to the gun permit required to carry handguns in the state. The bill conforms the law to current practice by specifying that DESPP cannot issue the special permit before the statewide permit is issued. It requires the licensee to complete an annual firearms safety and use refresher course approved by the commissioner as a condition of renewing the special permit.

### **CRIMINAL JUSTICE INSTRUCTORS**

#### ***Application for Approval as Instructor***

By law, (1) bail enforcement agents must successfully complete a criminal justice course of at least 20 hours in the five years before they are licensed and (2) bail bondsmen, bail enforcement agents, and surety bail bond agents carrying firearms on the job must complete training in firearm safety and get the special DESPP gun permit. Both courses must be approved by the DESPP commissioner. Beginning October 1, 2012, the commissioner must also approve course instructors. The penalty for teaching without the approval is a \$75 fine for each offense. Each violation is a separate offense and each day of a continuing violation is also a separate offense.

Anyone seeking approval as an instructor must complete, under oath, a DPS application, providing:

1. his or her name, address, date and place of birth; employment during the five years preceding the application; and education or training in criminal justice or firearms safety and use, as applicable;
2. any convictions for violations of the law; and
3. any other information the commissioner may require by regulation to properly investigate the applicant's character, competence, and integrity.

The commissioner may approve applicants he deems suitable and who meet the bill's requirements. The approval is valid for up to two years and costs \$50. He may not approve anyone (1) who has been denied a license as a professional bondsman or surety bail bond agent; (2) whose license has ever been revoked or suspended; or (3) who has ever been convicted of a felony or any of the following 12 misdemeanors:

1. criminally negligent homicide (excluding deaths caused by motor vehicles);
2. 3<sup>rd</sup> degree assault;
3. 3<sup>rd</sup> degree assault of a blind, elderly, disabled, pregnant, or mentally retarded person;
4. 2<sup>nd</sup> degree threatening;
5. 1<sup>st</sup> degree reckless endangerment;
6. 2<sup>nd</sup> degree unlawful restraint;
7. 2<sup>nd</sup> degree failure to appear;
8. 1<sup>st</sup> and 2<sup>nd</sup> degree riot;
9. inciting to riot;
10. 2<sup>nd</sup> degree stalking; or

11. a first illegal drug possession offense.

### ***Suspension of Instructor Approval***

The commissioner may suspend, revoke, or deny an approval, after notice and hearing opportunity, on the same grounds that currently apply to a bail enforcement agent's licensee, namely, the person:

1. violated pertinent laws or regulations;
2. practiced fraud, deceit, or misrepresentation;
3. made a material misstatement in the application for issuance or renewal of the approval;
4. was incompetent or untrustworthy in conducting business;
5. has been convicted of any of the disqualifying crimes for approval or other crime affecting his or her honesty, integrity, or moral fitness; or
6. is unsuitable.

Aggrieved parties may appeal the commissioner's order to the Hartford Superior Court.

### ***Renewal of Approvals***

Requests for approval must be made on a DESPP form and include any information DESPP requires to determine an applicant's suitability to continue as an instructor. For a course approved by the commissioner on or before October 1, 2012, the bill gives the instructor until April 1, 2013 to apply for approval as an instructor.

### ***Address Changes***

The bill requires an instructor who changes his or her address to inform DESPP of the new address within two business days.

### ***Implementing Regulations***

The bill allows the commissioner to adopt implementing regulations

governing the licensing standards for bail enforcement agents and approval standards for criminal justice instructors. By law, he must already adopt regulations for the approval of schools, institutions and organizations, including course content, number of hours, and requirements for instructors for firearm safety and use training courses.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/13/2012)